



SUBDIVISION ORDINANCE

ARTICLE SEVEN IMPROVEMENT GUARANTEES

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ARTICLE SEVEN – IMPROVEMENT GUARANTEES

701 Purpose

The purpose of this Article is to ensure the proper installation and maintenance of required streets, utilities, and other improvements. The guarantee shall be structured to provide adequate assurances to the City while not adding unnecessary costs to the developer.

702 Application and Requirements

- A.** This article applies to subdivisions which require the installation of streets, utilities, or other public improvements by the developer.
- B.** Prior to final plat approval, the subdivider shall complete in a manner satisfactory to the Planning and Zoning Commission, all public improvements required by this Subdivision Ordinance, and such improvements shall be accepted by the City in accordance with Section 703 of this Subdivision Ordinance. Final plat approval shall not be granted until said improvements are accepted by the City Council.
- C.** In lieu of requiring the completion of all public improvements prior to final plat approval, the City may, at its discretion, include provisions within the Subdivision Agreement negotiated between the developer and the City whereby the subdivider agrees guarantee to complete all public improvements required by this Subdivision Ordinance in a manner satisfactory to the Planning and Zoning Commission. To secure this obligation, the subdivider shall provide a performance bond, letter of credit, cash escrow, or other guarantee in a form acceptable to the City, in an amount equal to 100 percent of the estimated cost of the improvement installation as determined by the City Engineer. Such guarantee shall be furnished to the City within 15 days after the approval of the final plat by the City Council. The performance guarantee amount, along with the permitted time for installation, shall be included in the Subdivision Agreement negotiated between the City and the developer and approved with the final plat.
- D.** The developer may petition the City of Beatrice to construct street surfacing, sanitary sewer and water mains in the proposed subdivision by the district method. The size of any street improvement district, sanitary sewer district, or water main district shall be determined by the City Council; and the City Council of the City may require the developer to furnish a performance bond, letter of credit, cash escrow, or other guarantee in a form acceptable to the City, in an amount up to 100 percent of the estimated cost of the improvement installation as determined by the City Engineer. Such guarantee shall be furnished to the City within 15 days after the approval of the final plat by the City Council. The performance guarantee amount, along with the permitted time for installation, shall be included within the Subdivision Agreement negotiated between the City and the developer and approved with the final plat.
- E.** Prior to the granting of final plat approval, the subdivider and the City Council shall agree upon a deadline for the completion of all required improvements, such deadline not to exceed two (2) years from the date of final plat approval. The City Council shall have the power to extend this deadline for one additional year where the subdivider can present substantial reasons for doing so. The permitted time for installation shall be included in the Subdivision Agreement.

- F. No performance bond, letter of credit, cash escrow or other guarantee required by this section shall be accepted by the City unless:
1. It is enforceable by or payable to the City of Beatrice;
 2. It provides that any extension of time, change, alteration, or addition, which may be approved by the City of Beatrice for construction or completion of the improvements for which the bond is given, shall in no manner affect or relieve the obligation of the surety, regardless of whether or not the surety is given notice of any such extension of time, change, alteration, or addition;
 3. It cannot be terminated without the written authorization of the Mayor;
 4. It is written by a corporate surety company authorized to do business in the State of Nebraska, or approved security deposits have been made to an institution licensed to do business in the State of Nebraska; and
 5. It is a form with surety and conditions approved by the City Attorney of the City of Beatrice.

703 Notification of Completion and Acceptance by City

A. Notification

Upon substantial completion of all required improvements, the developer shall notify the City Engineer in writing, as well as submitting a certification from a registered Professional Engineer, attesting to the adequacy of the installation.

B. Inspection and Acceptance

1. The City Engineer or his/her designee shall inspect all installations, and shall approve, partially approve, or disapprove of the installation.
2. If the installation is approved, the City Engineer shall notify the Developer of acceptance in writing.
3. If improvements are not accepted or not completed within the specified time, the performance guarantee shall be forfeited and used by the City to complete satisfactory installation of improvements.

704 Issuance of Building Permits

All improvements proposed within a subdivision and established in the approved subdivision agreement must be completed and accepted by the City pursuant to Section 703 before the issuance of a building permit for any structure within the subdivision.